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EXAMINER

BROWN, DREW J

ART UNIT PAPER NUMBER

3616

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,002

Applicant(s)

HEIL ET AL.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/11/06 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7 and 10-18 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: In line 3, "being prevent" should be changed to "--being prevented--". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, and 10-18 are rejected under 35 U.S.C. 103(a) as being anticipated by Hühne et al. (U.S. Pat. No. 6,942,246 B2) in view of Burdock (U.S. Pat. No. 6,550,804 B2).

With respect to claims 1 and 15, Hühne et al. discloses a gas bag module (Figure 4) which has a gas bag (39) and a covering cap (33) that tears open (Abstract, lines 14-19) on inflation of the gas bag. The covering cap covers a ring-shaped outlet opening (opening covered by second wall 33) for the gas bag and has a central section (32), which in an opened state of the gas bag module is surrounded by the outlet opening (Figure 1). The central section is delimited from radially outwardly adjoining sections, located radially outward in a lateral direction from the central section, of the covering cap by a ring-shaped, peripherally closed edge area (31), where the edge area adjoins an inner edge of the outlet opening (column 6, lines 8-14 and Figure 4), and the central section is at least partially covered externally by a separate plaque piece (29 and Figure 4).

Hühne et al. discloses in the Abstract that the edge area can tear to deploy the airbag, it does not specifically disclose that the edge area tears by the use of a tear line. However, Burdock does disclose that the tearing of the airbag occurs through the use of a tear line (158 and column 5, lines 7-20). Therefore, it would have been obvious to one having ordinary skill in the

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art at the time the invention was made to have a tear line in the central section of the airbag in order to facilitate opening and prevent fragmentation.

The plaque piece fastens the central section and prevents it from a free movement as the covering cap is opening (column 6, lines 4-14 and Figure 4) due to the tear line, and that the central section has a mounting opening (30) for the plaque piece and can be placed from above onto the plaque piece such that an inner edge of the central section snaps in place underneath a laterally projecting edge of the plaque piece (column 5, lines 66-67 and column 6, lines 1-4).

With respect to claim 2, Burdock discloses that the tear line defines the inner edge of the outlet opening (column 5, lines 13-14 and Figure 14).

With respect to claim 3, Höhne et al. discloses that the central section is constructed so as to be rigid (column 5, lines 28-33).

With respect to claim 5, Burdock discloses that the tear line immediately adjoins an outer edge of the plaque piece (column 6, lines 8-14 and Figure 4).

With respect to claim 7, Höhne et al. discloses that the plaque piece has a depression (30) at its rear side, into which a bead-like extension (31) of the central section projects.

With respect to claim 10, the combination of Höhne et al. and Burdock discloses the claimed invention as discussed above but does not disclose that the tear line is defined by a rear groove. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a rear groove for the tear line (158) since it was known in the art that tear lines defined by rear grooves provide desirable deployment properties while keeping the line hidden from outside view.

With respect to claims 11 and 16, Höhne discloses that the inner edge is positioned adjacent the plaque piece, where the inner edge is prevented from moving freely away from the plaque piece when the covering cap opens (column 6, lines 4-14 and Figure 4).

With respect to claims 12 and 17, Höhne discloses that at least a portion of the central section is located radially outward in a lateral direction from the plaque piece.

With respect to claims 13 and 18, Höhne discloses that the sections and the central section are formed of one piece before the covering cap opens (Figure 4).

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With respect to claim 14, Höhne discloses that the central section is permanently fastened to the plaque piece by a snap connection (because the airbag tears through the tear line and the extension 31 does not extract from the area 30).

Allowable Subject Matter

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 5/11/06 have been fully considered but they are not persuasive.

On page 9, Applicant argues that the combination of Höhne et al. and Burdock does not disclose or suggest "a plaque piece that fastens a central section of a covering cap and prevents the central section from moving freely when the covering cap opens." However, when using the tear line (158) of Burdock, the extension (31) of Höhne et al. will remain clamped into the area (30) by the snap connection when the airbag tears through the tear line.

In response applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is found using the knowledge generally available to one of ordinary skill. One point raised by Applicant is that Höhne et al. actually teaches away from including a tear line in the central section of the cover as disclosed at column 2, lines 13-30 and column 3, lines 26-29. However, Höhne et al. discloses that the problems that may arise are due to particular materials used. The Examiner notes that Höhne et al. discloses that a design including tear or yield lines actually can be used (column 2, lines 1-13), but that the use is restricted. One

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of ordinary skill in the art at the time the invention was made would have recognized the benefits of using the tear lines of the prior art as discussed above.

On pages 11 and 12, Applicant argues that new claims 10-17 are allowable because the combination of H hne et al. and Burdock do not disclose or suggest the features. However, the Examiner believes that the combination does disclose the features as discussed above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
7/12/06



DAVID R. DUNN
PRIMARY EXAMINER